

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/562,655
 Applicant: Kenjiro Hamanaka
 Filed: June 13, 2006
 Title: LENS-ATTACHED LIGHT-EMITTING ELEMENT AND METHOD FOR
 MANUFACTURING THE SAME
 TC/A.U.: 2811
 Examiner: Jesse Y. Miyoshi
 Docket No.: NSG-258US
 Confirmation No. 6283

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **February 20, 2009**.

The Examiner is requiring an election between: Group 1a, claims 1-15, 16, 35, 37, drawn to a first device; Group 1b, claims 1-15, 17, 36, 37, drawn to a second device; Group 2a, claims 1, 21-26, 31-34, drawn to a first method of making a device; and Group 2b, claims 17-22 and 27-34, drawn to a second method of making a device. Applicant elects to prosecute Group 1a, claims 1-15, 16, 35, 37. This election is made with traverse.

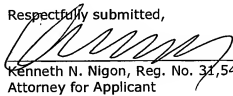
In particular, Applicant asserts that the claimed groups do include a common inventive concept. It is noted that claims 1-15 are included in groups 1a and 1b while claims 21, 22 and 31-34 are included in both groups 2a and 2b. In addition, claim 16 is included both groups 1a and 2a and that claim 17 is included groups 1a and 2b. Because these claims are in both group 1 and group 2, the groups 1a, 1b, 2a and 2b must include a common inventive concept.

Furthermore, the distinction made in the Office Action between groups 1a and 1b on the one hand and groups 2a and 2b on the other hand is erroneous. The common inventive feature is a lens formed on the surface of a light-emitting element. The skilled person would understand that the mold in claims 16 and 17 produces a lens when it is sandwiched with the photo-curing resin and the light-emitting array because of the recess array formed in steps e, f and g of the claims.

Because this inventive feature is required by all of the claims, the unity of invention requirement under PCT Rule 13.1 is improper.

In view of the foregoing remarks, Applicant requests that the Examiner reconsider and withdraw the Election/Restriction requirement.

Respectfully submitted,


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KNN/ems

Dated: March 18, 2009

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